

REMARKS

Reconsideration of the above-identified application, in view of the amendments and following remarks, is respectfully requested.

In the Official Action dated December 30, 2005, the Examiner first objected to Claims 6 and 16 as allegedly in improper dependent form. Applicants hereby cancel Claims 6 and 16 to obviate this objection which it is respectfully requested be removed. Accordingly, respective Claims 7 and 17 are being amended to change their respective dependencies.

Further in the Official Action dated December 30, 2005, the Examiner rejected Claims 1-23 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner proceeded to indicate informalities in each of Claims 21 and 22 and instructed that these claims be re-cast in independent form. In response, Applicants have amended each of Claims 21 and 22 to recast them in independent form to incorporate the subject matter of respective Claims 1 and 11 (as amended). Further to this rejection, Claims 1, 11 and 23 were rejected as allegedly providing insufficient antecedent basis for the limitation "branch" as recited in each of these claims. In response, Applicants have amended each of independent Claims 1,11 and 23 to set forth in the preamble the composition of a stack as comprising one or more branches. Respectfully, no new matter is being entered by this amendment and clearly the amendments to Claims 1, 11 and 23 provide the proper antecedent basis for the term "branch". Applicants respectfully request the Examiner to withdraw the rejections of Claims 1, 11 and 23 based on 35 U.S.C. §112, second paragraph.

Further in the Office Action, the Examiner applied a new reference to Hall (US 5,828,883) in the §102(e) anticipation rejection of Claims 1, 6-11 and 16-22. The Examiner further rejected Claims 8 and 18 under §103(a) as being unpatentable over Hall in view of Poff, et al. (US6,330,659). The Examiner did indicate and is respectfully thanked accordingly, that Claims 2-5, 12-15 and Claim 23 would be allowable if rewritten in independent form to overcome the rejections under 35 U.S.C. §112, second paragraph and to include all of the limitations of the base claim and any intervening claims.

With respect to the §102(e) of independent Claims 1 and 11, Applicants respectfully disagree. In the §102(e) rejection, the Examiner alleges that the recitation in Claim 1 directed to "mapping a path of control..." is taught by the Hall teaching of "selecting a focus call path". The Examiner then alleges that the recitation in Claim 1 directed to "iteratively processing" is taught or suggested by the suggestion of "iteratively repeated", i.e., an iterative processing as taught at col. 3, lines 35-59 and col. 4, lines 7-10 of Hall.

Applicant respectfully submits that these assertions are incorrect and that the Examiner's application of Hall in the rejection of independent Claims 1 and 11 is misplaced.

Specifically, the present invention is directed to how to find and map a path (in a program stack having branch statements). Hall's invention relies on one or more path existing and already mapped, and the user essentially chooses a single one from that set.

Moreover, with respect to the Examiner's rejection based on Hall's alleged teaching of iterative processing, the process of the invention is performing an iteration within the scope of the algorithm recited. Hall, as described at col. 3, lines 35-59 and col. 4, lines 7-10 rather, is suggesting re-applying the total algorithm again after it has succeeded before (in a

prior iteration). This is true for Hall's statement "desired efficiency ..." in addition.

That is, the present invention is setting forth termination of a single instance of the algorithm. Furthermore, it appears that perhaps the Examiner is confusing "call" stacks which is the subject of "stack" used in the Hall reference, with "operand" stacks having one or more branches as claimed in the present invention. In fact, upon reading of Hall, there is no mention of the word "branch" -much less a treatment of a branch statement in a stack as claimed and recited in the present invention. This is because no treatment of branches is necessary in Hall's call stack refinement processing treatment.

For these reasons, it is respectfully submitted that Hall does not teach the elements of the present invention and for this reason, the Examiner is respectfully requested to withdraw the rejections of Claims 1, 6-11 and 16-22 based on 35 U.S.C. §102(e) and that the rejections of Claims 8 and 18 under 35 U.S.C. §103(a) be withdrawn as well, having removed the relevance of Hall.

More to these points, and particularly, the Examiner's rejection of Claim 10, again the Examiner is misapplying the reference as this is directed to processing of a call stack

In sum, it is respectfully submitted that reliance on Hall misplaced in that Hall appears to be directed to treatment of call stacks rather than operand stacks which is subject to the method of the invention, and which is for a completely different application.

In view of the foregoing, Applicant believes that this application is in condition for allowance and Applicants henceforth respectfully solicit such allowance. If the Examiner believes a telephone conference might expedite the prosecution of this case, Applicants

respectfully request the Examiner to call the undersigned, Applicants' attorney, at: (516) 742-4343.

Respectfully submitted,



Steven Fischman
Registration No. 34,594

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

SF:gc